HIGH COURT OF JUDICATURE AT BILASPUR: CHHATTISGARH

DIVISION BENCH

CORAM: HON'BLE SHRI H.L. DATTU, C.J.
& HON'BLE SHRI V.K. SHRIVASTAVA, J.

Writ Petition No.215 of 2001

Petitioner Shyamlal Ahirwar, son of Kheladi Prasad Ahirwar, aged about 53 years, working as Line Inspector M.P.E.B. resident of village Dhehdhar, Post office and Tehsil Teonthar, District Rewa, M.P.

VERSUS

Respondents

1. State of Chhattisgarh through Secretary, Department of Home Affairs, Mantralaya, D.K. Building, Raipur, Chhattisgarh
2. The Commandant, 11th Batalian, Special Armed Force, Bhilai, Distt. Durg, Chhattisgarh
3. The Deputy Commandant, 11th Batalian, Special Armed Force, Bhilai, District Durg, Chhattisgarh
4. Superintendent of Police, Durg, District Durg, Chhattisgarh
5. Shri Ramvilash Prasad, the Company Commander, 11th Batalian Special Armed Force, Bhilai, district Durg, Chhattisgarh

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Present: Shri V.R. Tiwari, counsel for the petitioner.
Shri Vinay Harit, Dy. A.G. for the State / respondents 1 to 4.
None for respondent No.5.

ORAL ORDER
(Passed on 8th March, 2007)

The following oral order of the Court was passed by

H.L. Dattu, CJ.

This petition is filed under Article 226 of the Constitution of India inter alia seeking a direction to the respondents to trace the missing person and produce him before this Court.

(2) The matter is pending for the last six years before this Court. Respondent No.5 has filed his return. In that, he has stated that he has not illegally detained the petitioner's son. The return filed by respondent No.5 is taken on record. Since the petitioner's son is not in the custody of respondent No.5 or any other person, in our view, no relief can be granted to the petitioner at this stage. Therefore, the petition is disposed of. Ordered accordingly.

(3) Consequently, I.A. Nos. 8638 of 2003, 10243 of 2003 & 2810 of 2004 stand disposed of.

Sd/-
Chief Justice

Sd//-
V.K.Shrivastava
Judge